

Date: February 26, 2015
Time: 6:00 p.m.
Place: Willard City Hall, 80 W 50 S, Willard, UT 84340
Attendance: Mayor Kenneth Braegger, Council members Robert Beebe, Del Fredde, Michelle Mund, Mike Crossley and Josh Braegger, Recorder Teri Fellenz, City Planner Bryce Wheelwright
Excused:
Others: (see attached for others)

1. Call to Order

- a. Invocation
- b. Pledge of Allegiance

2. Open Comment Period (Individuals have three minutes for open comments. If required, items may be referred to department heads for resolution. Items requiring action by the City Council will be placed on the agenda for a future meeting.)

Ryan Tingey – South Willard, 6720 South Highway 89 – Stated he just wanted to share information with the Council. He stated he knows they will have discussions later in the evening about this topic. He said he would just like them to know how it all came to pass. He stated some may know, but it is a quick overview. He said on the Sewer Board he recommends they encourage the Sewer Board to change their policy and procedure on how or who can be on the board. He stated he does not think employees, from either city, should be on the Sewer Board. He feels elected officials are fine. He stated he was glad when Mayor Braegger took Jay off and put Robert (Council member Beebe) on there. He added the reason he says that is right now Paul Nelson from Perry is on the Sewer Board and is between a rock and a hard place. He stated it is a no-win situation when a mayor tells you how to vote. He said they have put Greg Hansen on there now to replace Bruce Howard and Greg is an employee of Perry City. He is their City Engineer. He said again it is a rock and a hard place if he isn't voting the way the mayor of Perry wants. Ryan went on to say he thinks with replacing Bruce only and then demanding the Chair resignation or removal, it is very arbitrary and capricious. He stated he thinks it is a move that should not be accepted by this Council. Ryan said he does not know what they can do about Bruce, but nevertheless he said the Board should look into changing the policy just to keep employees off the Board. Citizens from that City that would represent that City, they are not threatened by losing their job. He stated he and Jerry (Mayor Nelson) set this board up and wrote the interlocal agreement, and if Jerry were here he would agree with every word. He is out of town and will be speaking to Perry City next week. It's a no win situation for them either.

Ryan explained the point is when they set the Board up and selecting a chair, they were down at the Division of Water Quality, and the recommendation from the State was they pick someone that was going to represent both communities fairly. Someone that would stay neutral and represent both. Ryan explained Jerry said he had someone in mind and Ryan said he did also and that they should write the name on a piece of paper. They did and turned them over and it was the same person, Steve Pettingill. Ryan stated he feels Steve fairly represents Willard. Even though he is from Perry, Ryan feels he doesn't agree with what's going on. He has always been one that follows that document to the letter of the law, especially lately. Ryan said to just keep that in mind that if you lose him, he's afraid they would be in a world of hurt, because who knows, another employee may be recommended. He stated that's all he has to say and that as they go through the process tonight that he knows they will do the right

thing and he has all the faith in the world in them. He asked them to keep in mind why it was set up the way it is, how they did it and some background on it.

3. Business

a. Eric Householder – Granite Ridge Development – Request for approval of the development agreement for the Granite Ridge Planned Development finalizing the zone change of parcels 02-053-0056, 0057, 0055, 0015 and 0014 from R ½ and MU-40 to PD approved by Ordinance 2014-C on April 10, 2014.

Mayor Braegger stated he was expecting a phone call that he wanted the Council to participate in at 6:15 and it may interrupt this item. He then turned the time over to City Planner Bryce Wheelwright. Bryce stated he has met with Granite Ridge and Kevin McGaha, the City Attorney to get this Development Agreement to come to an agreement that is what the City wants and works for the developer.

Council member Beebe asked what happened with the Pineview water shares. Bryce stated they determined it would not be beneficial to the City. He stated it would cost the City money to keep the shares that they cannot do anything with. Eric Householder of Granite Ridge stated there were not as many there as they originally thought. Mayor Braegger asked if there was any research done on the spring as far as who owns the rights. Eric responded there had been discussion, but to answer the question, no there had not been any research.

Mayor Braegger stated there has been some discussion on xeriscape because of the concern of the water used for outside irrigation and it is addressed in the Development Agreement. Eric stated it is addressed and pointed out item 26 on page 5 of the agreement. Mayor Braegger asked additional questions about the Pineview shares and if there is value in having them. Bryce stated there is a park and it could be used to irrigate the park and if it comes to the City it has to stay with the property and the City will be paying the fee. Mayor Braegger stated that in Perry City, Pineview installed a secondary pressurized system and asked if there was value in having the shares if they look at that option someday. He asked if they do not use them, what happens to the shares. City Planner Bryce Wheelwright stated Pineview can take them and use them somewhere else. Mayor Braegger objected to the fact that we would need to use them for the property, but they could use them where ever they want. Ryan Tingey stated he had Pineview water shares with his property and he leased them to the Cemetery District as well as several others. A discussion was held on irrigation shares and Bryce explained how Pineview collects the shares when they put in a pressurized system. Mayor Braegger stated we should check them out before they are turned back to Pineview. Ryan Tingey asked if Doug (Young) owned shares. A discussion was held that he owns Willard Water shares and what to do with the shares.

Mayor Braegger asked if there were any other questions about the agreement. Bryce stated there were conversations with the road widths and asked if they were comfortable with them. Council member Beebe stated there is one spot that the grade is over 10%. Eric Householder stated they did look at some different scenarios and since the April meeting is reflected in the Development Agreement, Exhibit A.

6:15 Phone call received from Steve Pettingill. Steve addressed the Council and stated Mayor Braegger asked him to explain a little about the Sewer Board and where they are heading. He stated he has recently asked to Sewer Board to vote on the collections portion of the Interlocal Agreement and referred to page 8 section 4.3 f. He had the Board read through it and stated the first sentence reads “the Board and the Lead

Operator will collect from the Cities” and then specifies percentages. Steve stated the next sentence illustrates that it is a proportionate share. He stated that from what he understands the proportionate share is determined by the Board and there is no place else in the document where it deviates from that. The Board operates the facility and the Board is the administrator for the facility and they can proceed in that fashion.

Steve went on to report the Board gave its consent and it was unanimous that they move forward. He said he did not have them vote on that portion on it because it had already been voted on by the City Councils. What he requested the vote on was setting up a bank account and contacting an accounting firm so they could receive the money and have the accounting firm take into account the expenditures relative to what they spend so the Cities could view them. The next paragraph states they shall have the records available for the Cities in a timely fashion. Steve corrected and stated it may be on the next page. He said if they move in that direction he stated he believes they can solve a lot of problems they have been having and confusion about what we are doing.

Steve stated Mayor Braegger asked about his retention as the Chair (of the Board). Steve stated when Mayor Braegger took office as Mayor, he contacted Mayor Braegger and explained he felt it would work for the best for what they were doing if he followed the permitting process and then the Board Chair should be looked at after the process is complete, if they want to have a process where the Board Chair rotates. He stated he thinks it is important the Chair remain throughout the permitting process. Steve explained he spoke with Jeff (Hollingsworth – Plant Operator) who reported they were behind on a couple of facets of the process. He stated he needs to get a team together to handle it and move forward with it. He added they will need some expert representation and suggested a couple of names including former Perry City Mayor Jerry Nelson who has been active on the spur line from the treatment facility. He stated they have a year to do it but need to be engaged and be represented at some of the Board meetings of the Division of Water Quality.

Steve then addressed the terms of Board members and stated he felt they need to take a very close look at it before they enter into any form of an agreement. He stated if these things are implemented and they move forward it will solve a lot of economic problems and confusion they have had. He also stated he felt it will help clarify Willard's position and what the Board does. Steve asked if there were any questions. Mayor Braegger asked if there were any questions. He thanked Steve for the information and appreciated the time he has taken out of his vacation to address the Council and bring them up to date on what is going on. He stated they will take the information Steve has given them and move forward. Steve added he has made contact with an accounting firm and has set up a bank account and would like to move forward as soon as possible. He stated he would like to get it set up before the budget process so they as a board can look at how much they have used in the last year and define the budget however the Board decides they need to be.

Council member Beebe clarified with Steve the reason the Interlocal Agreement was not implemented was because the total amount of ground water influent into Perry's system. Steve also added that Perry assumed the financial duties because they had people on staff to do it immediately. Steve said the transition brought in some ambiguity as to who is administering the sewer plant and feels the ambiguity has led to some of the angst they are going through, but he has faith in the outcome and feels the document spells everything out and he intends to follow it.

Mayor Braegger again thanked him and the call ended at 6:20 p.m.

The discussion on Granite Ridge resumed. Mayor Braegger apologized to Eric Householder for the interruption. He asked the Council members if there were any questions. Council member Beebe asked if it was the same as they had agreed upon as far as lot sizes, road widths, and grades they have already discussed. City Planner Bryce Wheelwright stated it was pretty much the same. Eric stated originally they were looking for the smaller road widths. He stated it didn't really go the way they originally proposed it. He stated one thing they also proposed was on the driveway, to get an extra parking spot, they pushed the garage back 10 feet. He stated the only change is to have that flush with the front of the building. He stated none of the renderings have changed, but they would like the flexibility. Eric added as they start with Phase I there will be another set of architectural renderings and plans that will be submitted at that time.

Council member Fredde asked about item 35 regarding deeding property for the water storage. He stated they are deeding property and paying impact fees up front for each phase. He asked if that is the total contribution toward water. Mayor Braegger stated where we apply impact fees, if there are upgrades required to supply them water there will need to be negotiations, but the impact fees are to meet the needs of future demands. Council member Mund clarified that they cannot charge them any more for a storage tank because of the charge of the impact fee. Mayor Braegger stated as far as the development they have already discussed they can go ahead with Phase I as things exist. Before they can go to Phase II, there will need to be some kind of waters storage and trunk line across the east side of town to accommodate more homes. Council member Fredde stated that his concern is if they are willing to help with the trunk line. Council member Braegger stated they would address that when they get there. Eric responded that is what the impasse has been for so long. He stated there are a certain amount of connections available today and when those are gone they need to work something out with the City in a separate agreement. Eric stated they are not even sure the location will work for the water tank but they are willing to set the property aside.

Mayor Braegger explained the goal is the elevation of the tank needs the same as the upper tank and that would place it on Parson's property. Parson's has expressed a willingness to work with the City, however; the ground becomes quite steep and expensive to put in a tank. Mayor Braegger asked if there were any other changes. He asked Bryce if he had anything else. He asked Bryce and Kevin that nothing of major significance has been changed. They stated nothing major has changed.

Police Chief Jean Loveland asked how the City water is going to get to the development. Mayor Braegger answered they City Engineer has done a water study and determined water can be supplied to Phase I of the development. He explained Phase II and the rest will require a storage tank or a major trunk line because of the elevation. He added regardless, storage needs to be addressed and a new tank will be required. Chief Loveland clarified the agreement approves only Phase I. Mayor Braegger and the Council members responded yes.

Council member Crossley made a motion to approve the Development Agreement for Granite Ridge Planned Development finalizing the zone changes of parcels 02-053-0056, 0057, 0055, 0015 and 0014 from R ½ and MU-40 to PD approved by Ordinance 2014-C. The motion was seconded by Council member Mund. The motion carried.

Council member Beebe – yes

Council member Braegger – yes

**Council member Crossley – yes
Council member Fredde - yes**

Council member Mund – yes

b. Planning Commission –

1) Projects report – City Planner Bryce Wheelwright reported the 200 West project has been started. He stated the County graded the area and hauled in road base.

Bryce then requested a joint work session with the Planning Commission to discuss the proposed revisions to the General Plan on March 12 at 5:00 p.m.

c. Council member Fredde - Review of Sewer Bond refinance proposal and request for approval to proceed with the refinance process. Council member Fredde reviewed the refinance proposal received from the Division of Water Quality for the sewer bond. He stated the only thing is the ERU's beginning at 676.5 and we are currently at 671.5. He stated he feels it would be a good step.

Council member Fredde made a motion to accept the refinance proposal and begin the process of refinancing. A second was given by Council member Beebe and the motion carried.

**Council member Beebe – yes
Council member Crossley – yes
Council member Fredde – yes**

**Council member Braegger – yes
Council member Mund – yes**

d. Possible Closed Session: To discuss pending litigation.

Council member Crossley made a motion to go into a closed session to discuss pending litigation. The motion was seconded by Council member Beebe. The motion carried with the following vote:

**Council member Beebe – yes
Council member Crossley – yes
Council member Fredde - yes**

**Council member Braegger – yes
Council member Mund – yes**

Mayor Braegger, the Council members, City Attorney Kevin McGaha and City Recorder Teri Fellenz adjourned to the main office area for the closed meeting at 6:33 p.m.

Council member Fredde made a motion to resume the regular meeting. The motion was seconded by Council member Mund. The motion carried

**Council member Beebe – yes
Council member Crossley – yes
Council member Fredde - yes**

**Council member Braegger – yes
Council member Mund – yes**

e. Financial - The vouchers and warrants were presented to the Council for approval. The reports were individually reviewed.

- 1) Warrants
- 2) Vouchers
- 3) Reports

f. Approval of minutes: The minutes of the February 12, 2015, meeting were individually reviewed.

Council member Crossley made a motion to approve the minutes as written, seconded by Council member Mund. The motion carried.

***Council member Beebe - yes
Council member Crossley – yes
Council member Fredde – yes***

***Council member Braegger – yes
Council member Mund – yes***

4. Department Reports

a. Maintenance Department

1) Progress report 100 N Waterline Project- Council member Beebe stated the area has been Blue Staked and material is on site. It was noted a letter to the residents has been sent out and the school has been notified for any bus routes that may be affected.

Council member Beebe stated he would like to send a letter to the County thanking them for all their help with the 200 W Trail project.

b. Police Department – Chief Loveland asked that they look at issues with the trail regarding access and discuss the situation with she and Doug to develop policies designating the trail for bicycles and walkers. It was noted an ordinance would need to be developed in order for it to be enforced. A discussion was held about the gates that were put in during the sewer project providing access where there was previously none. Chief Loveland stated there are individuals who feel the non-motorized vehicle traffic does not apply to them and are accessing 200 W in the middle. She requested a meeting with the Council member that would be over the project to discuss the issues

c. Fire Department – Chief Van Mund stated they will need 3 new batteries for Engine 51. They have cleaned them and it is working for now. He will put it on the next agenda. Chief Mund then asked about the hydrant between 100 E and 200 E on 100 N. Mayor Braegger stated it was an old meter and would just come out because there are hydrants located at both corners and it is not required.

5. Council members

a. Robert Beebe – Council member Beebe reported the lander on the backhoe is back in for repairs.

b. Mike Crossley

c. Del Fredde-

1) Review and approval to send out a letter to residents that sewer tie sheets have not been received. Council member Fredde presented the attached letter to follow up on sewer connections. He stated he feels it is necessary to find out how many are hooked up in regards to the flow of the treatment facility.

Council member Fredde made a motion to send out the attached letter to residents who have not turned in tie sheets, seconded by Council member Beebe. The motion carried.

***Council member Beebe – yes
Council member Crossley – yes
Council member Fredde - yes***

***Council member Braegger – yes
Council member Mund – yes***

d. Josh Braegger

1) Budget discussions – General Fund property tax increase, Water Fund – Rate review- Stated now is the time to be reviewing the rates and look at increase. There has not been a tax increase in 20 plus years.

e. Michelle Mund

1) Proposal to spend approximately \$5,000.00 to install equipment to read the usage of the pump for the water system. Council member Mund tabled the item until they receive grant information.

6. Mayor's General Correspondence and Information – Mayor Braegger stated they will be advertising for a part-time maintenance position

7. Adjourn: A motion was made by Council member Fredde to adjourn, seconded by Council member Braegger, motion carried. The meeting adjourned at 7:04 p.m.

Minutes were read individually and approved on Approved 3/12/15